UNITED
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Security Council

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S/23762
30 March 1992
ENGLISH
ORIGINAL: ENGLISH/FRENCH

France, United Kingdom of Great Britain and Northern Ireland and United States of America: draft resolution

The Security Council,

Reaffirming its resolution 731 (1992) of 21 January 1992,

Noting the reports of the Secretary-General (S/23574 and S/23672),

Deeply concerned that the Libyan Government has still not provided a full and effective response to the requests in its resolution 731 (1992),

Convinced that the suppression of acts of international terrorism, including those in which States are directly or indirectly involved, is essential for the maintenance of international peace and security,

Recalling that in the statement issued on 31 January 1992 on the occasion of the meeting of the Security Council at the level of Heads of State and Government the members of the Council expressed their deep concern over acts of international terrorism and emphasized the need for the international community to deal effectively with all such acts,

Reaffirming that, in accordance with the Principle in Article 2, paragraph 4 of the Charter of the United Nations, every State has the duty to refrain from organizing, instigating, assisting or participating in terrorist acts in another State or acquiescing in organized activities within its territory directed towards the commission of such acts, when such acts involve a threat or use of force,

Determining in this context that the failure by the Libyan Government to demonstrate, by concrete actions, its renunciation of terrorism, and in particular its continued failure to respond fully and effectively to the requests in resolution 731 (1992), constitute a threat to international peace and security,

Determined to eliminate international terrorism,

Recalling the right of States, under Article 50 of the Charter of the United Nations, to consult the Security Council where they find themselves confronted with special economic problems arising from the carrying out of preventive or enforcement measures,

Acting under Chapter VII of the Charter of the United Nations,

1. Decides that the Libyan Government must now comply without any further delay with paragraph 3 of resolution 731 (1992) of 21 January 1992 regarding the requests contained in documents S/23306, S/23308 and S/23309;

2. Decides further that the Libyan Government must commit itself definitively to cease all forms of terrorist action and all assistance to terrorist groups, and that it must promptly, by concrete actions, demonstrate its renunciation of terrorism;

3. Decides that on 15 April 1992 all States shall adopt the measures set out below, which shall apply until the Security Council decides that the Libyan Government has complied with paragraphs 1 and 2 above;

4. Decides that all States shall:

(a) Deny permission to any aircraft to take off from, land in or overfly their territory if it is destined to land in or has taken off from the territory of Libya, unless the particular flight has been approved on grounds of significant humanitarian need by the Committee established by paragraph 9 below; and

(b) Prohibit, by their nationals or from their territory, the supply of any aircraft or aircraft components to Libya, the provision of engineering and maintenance servicing of Libyan aircraft or aircraft components, the certification of air-worthiness for Libyan aircraft, the payment of new claims against existing insurance contracts, and the provision of new direct insurance for Libyan aircraft;

5. Decides further that all States shall:

(a) Prohibit any provision to Libya by their nationals or from their territory of arms and related material of all types, including the sale or transfer of weapons and ammunition, military vehicles and equipment, paramilitary police equipment, and spare parts for the aforementioned, as well as the provision of any types of equipment, supplies and grants of licensing arrangements, for the manufacture or maintenance of the aforementioned;

(b) Prohibit any provision to Libya by their nationals or from their territory of technical advice, assistance or training related to the provision, manufacture, maintenance, or use of the items in (a) above;

(c) Withdraw any of their officials or agents present in Libya to advise the Libyan authorities on military matters;

6. Decides also that all States shall:

(a) Significantly reduce the number and the level of the staff at Libyan diplomatic missions and consular posts and restrict or control the movement within their territory of all such staff who remain; in the case of Libyan missions to international organizations, the host State may, as it deems necessary, consult the organization concerned on the measures required to implement this subparagraph;

(b) Prevent the operation of all Libyan Arab Airlines offices;

(c) Take all appropriate steps to deny entry to or expel Libyan nationals who have been denied entry to or expelled from other States because of their involvement in terrorist activities;

7. Calls upon all States, including States non-members of the United Nations, and all international organizations to act strictly in accordance with the provisions of the present resolution notwithstanding the existence of any rights or obligations conferred or imposed by any international agreement or any contract entered into or any licence or permit granted before 15 April 1992;

8. Requests all States to report to the Secretary-General by 15 May 1992 on the measures they have instituted for meeting the obligations set out in paragraphs 3 to 7 above;

9. Decides to establish, in accordance with rule 28 of its provisional rules of procedure, a Committee of the Security Council consisting of all the members of the Council, to undertake the following tasks and to report on its work to the Council with its observations and recommendations:

(a) To examine the reports submitted pursuant to paragraph 8 above;

(b) To seek from all States further information regarding the action taken by them concerning the effective implementation of the measures imposed by paragraphs 3 to 7 above;

(c) To consider any information brought to its attention by States concerning violations of the measures imposed by paragraphs 3 to 7 above, and in that context to make recommendations to the Council on ways to increase their effectiveness;

(d) To recommend appropriate measures in response to violations of the measures imposed by paragraphs 3 to 7 above and provide information on a regular basis to the Secretary-General for general distribution to Member States;

(e) To consider and to decide upon expeditiously any application by States for the approval of flights on grounds of significant humanitarian need in accordance with paragraph 4 above;

(f) To give special attention to any communications in accordance with Article 50 of the Charter of the United Nations from any neighbouring or other States with special economic problems which might arise from the carrying out of the measures imposed by paragraphs 3 to 7 above;

10. Calls upon all States to cooperate fully with the Committee in the fulfilment of its task, including supplying such information as may be sought by the Committee in pursuance of the present resolution;

11. Requests the Secretary-General to provide all necessary assistance to the Committee and to make the necessary arrangements in the Secretariat for this purpose;

12. Invites the Secretary-General to continue his role as set out in paragraph 4 of resolution 731 (1992);

13. Decides that the Security Council shall every 120 days, or sooner should the situation so require, review the measures imposed by paragraphs 3 to 7 above in the light of the compliance by the Libyan Government with paragraphs 1 and 2 above taking into account, as appropriate, any reports provided by the Secretary-General on his role as set out in paragraph 4 of resolution 731 (1992);

14. Decides to remain seized of the matter.

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S/23763
27 March 1992

ORIGINAL: ENGLISH

LETTER DATED 26 MARCH 1992 FROM THE CHARGE D'AFFAIRES A.I.
OF THE PERMANENT MISSION OF SOMALIA TO THE UNITED NATIONS
ADDRESSED TO THE PRESIDENT OF THE SECURITY COUNCIL

At the outset, I wish to express my gratitude to you and to the members of the Security Council for unanimously adopting resolution 746 (1992), the recommendations of which carry all the necessary elements for resolving my country's problem. I also wish to commend the efforts undertaken by the Secretary-General in response to resolution 733 (1992) and in cooperation with the regional and intergovernmental organizations. The Secretary-General's report (S/23693) has brought to light a number of important issues that characterize the situation as "... extraordinarily complex and has so far eluded conventional solutions". I consider that the Secretary-General's observations have therefore been most representative of the prevailing reality, his initiatives most commendable and his proposals most relevant.

I also fully subscribe to the view clearly carried in the report that "Somalia ... presents a special challenge to the international community, and to the Security Council in particular". I therefore find myself obliged to share with the Council my sincere views regarding some aspects of this challenge, as I understand them, and to draw on their implications for an effective programme of assistance. I sincerely hope that the attached paragraphs will help the Council to set, in the light of them, some parameters for action within the context of resolution 746 (1992).

I would therefore be grateful if the attached document was circulated in its entirety as a document of the Security Council.

(Signed) Ms. Fatun Mohamed HASSAN
Chargé d'affaires a.i.

Annex

A comprehensive approach to resolving the Somali crisis: a process perspective

The current situation of the Somali conflict has been very well described in paragraphs 76 and 77 of the Secretary-General's report. a/ A cease-fire arrangement has been and still remains a logical first step to bring to an end the senseless loss of life in Mogadiscio. The cease-fire should not however be a prerequisite for providing humanitarian assistance to the needy in Mogadiscio. To begin with, any cease-fire agreement signed between the two protagonists in Mogadiscio will remain fragile and runs the risk of being broken at any time, since its terms do not bind all the critical actors in the reality. Those armed groups that are not under the control of either protagonist might rekindle violence at any time. On the other hand, one or another hostile neighbouring faction, not bound by the terms of the cease-fire agreement, might choose to wage a war on one or both of the Mogadiscio factions. Furthermore, it has been established beyond doubt that human suffering due to famine and food shortages transcend the boundaries of Mogadiscio and its immediate surroundings. Such a reality would dictate therefore that a massive-scale humanitarian and relief assistance be put together to reach the affected population nationwide, regardless of the success of cease-fire arrangements in Mogadiscio or elsewhere. It must be stressed, however, that inbuilt mechanisms should be designed to ensure the safety of relief officials.

In any case, the Mogadiscio cease-fire will be short-lived unless the cause of the conflict is removed. The Secretary-General's report has clearly established that "the conflict arose because General Aidid did not recognize Mr. Mohamed as Interim President". b/ Of course Mr. Mohamed's claim to the presidency is based on the Djibouti Accords. c/ It should however be understood that General Aidid's wing of the United Somali Congress (USC) is not the only entity that rejects the Djibouti Accords. It should be noted also that only some of the existing clan parties or movements had participated in the Djibouti-held national reconciliation conference of July 1991. The likelihood of this point of conflict being resolved between the two warring factions in Mogadiscio through bilateral negotiations between themselves is growing more and more futile and remote. Indeed, it would take an assembly representing all the Somali clans to attain a durable cease-fire arrangement, even between the warring factions in Mogadiscio, because that is what it takes to remove the cause of the conflict in Mogadiscio.

The experience of the Djibouti conference remains a case for reference if any future conference is to succeed. Some relevant aspects of this experience must be committed to memory. Firstly, in addition to the Somali National Movement (SNM), which had declined an invitation to participate, some other factions were somehow disallowed to participate despite their indication of interest in attending. Secondly, even in the case of those factions that did participate, questions relating to legitimacy of representation and mandate of

their delegations later arose from within the rank and file of their own clans or factions. USC, to which both Mr. Mohamed and General Aidid belong, is only an example. But it is certainly not the only one. In some other groups, divisions of this nature had led to splits that have resulted in the formation of new groups or alliances with new names and acronyms, thus complicating matters much more.

So far, I have been trying to establish the view that the cease-fire, humanitarian assistance and national reconciliation should all merit equal emphasis as three essential elements of a comprehensive United Nations political, security and humanitarian/relief assistance programme to bring the protracted Somali crisis to an end. I have already discussed two of the elements - the cease-fire and humanitarian assistance. Before turning to the point of national reconciliation as the last of the three elements, I should like to touch on some aspects of the challenge that the situation poses to the efforts of the international community as I see them today.

The first aspect of this challenge relates to perceptions about present-day Somalia. It must by now have been realized by all that Somalia comprises enclaves of land controlled by the clans traditionally inhabiting them. It follows logically that mistrust and suspicious behaviour, if not animosity, characterize the relationships between these clans. The international community should therefore ensure that each segment or entity, so established as claiming control over its land and affairs, is reached and dealt with separately until such time that the unity of the Somali nation is restored. Humanitarian assistance is a case in point in this regard. It is therefore essential that the technical team dispatched by the Secretary-General should not only visit Mogadiscio, Berbera and Kismayo, but should also perform similar exercises in many more seaports including Hobio, Bossaso, Laskoreh, Mait and Zeila, all of which are access ports to some clans that it would be difficult to reach from other ports. The possibility of using Djibouti as the access port for the extreme north-west of Somalia should also be duly considered. This involves the minimum that needs to be done to ensure the equitable distribution of humanitarian assistance.

The second aspect of the challenge relates to the issue of fragmented sovereignty. Somalia symbolizes the worst case ever of constitutional, institutional, political, economic and geographic disintegration. All efforts to reinstitute its statehood must therefore be preceded by a realization and an acceptance of its disintegration. This entails recognizing the existence of a multitude of factions, clans or entities and the boundaries of such enclaves, as well as identifying their leaderships (traditional, political and armed militia). To ensure fairness of representation and to demonstrate impartiality in facilitating peace, unity and stability, all the main towns of these factions, clans and movements must be visited and their leaderships met.

The third aspect of the challenge relates to establishing the authenticity of delegations to any future conference. Given that most clans have three kinds of leadership (traditional, political and military) and given that the clan or faction is sometimes notably divided on some of the issues of

concern, it becomes imperative that mechanisms be thought out to establish the authenticity of faction delegations to any future conference. For example, a delegation could in some cases be accredited by the political wing, some times by the militia wing and occasionally by the traditional leadership. There seems to be a need for some form of uniformity in this respect.

These aspects of the challenge surely present themselves as constraints to the international political will and support to help to resolve the Somali dilemma. The fact remains that the shortest cut for tackling this colossal task involves carefully delineating all the critical steps in a long and laborious process and adopting a realistic time-frame. Hence, any hastened or cursory conference might abort like its predecessor.

In this connection, I must share with you a glimpse of a positive development in the situation of which I have been informed of late. While the war was raging in Mogadiscio and tensions remained notably high in some places perceived as important like Berbera and Kismayo, peace and tranquillity have been on the increase in areas wtihin clan enclaves and in many border areas between them. If evidence of this is established, it would be safe to consider it as the start of a positive process, at least as far as peace is concerned. I am inclined to suggest that this process be nurtured and encouraged as an avenue towards peace and reconciliation by initially working with the traditional leadership. Given this scenario, I wish to suggest the following three-phase reconciliation process.

Phase I

This first phase would involve the convening of a congress of clan chiefs for concluding peace talks, signing a comprehensive cease-fire and ratifying the convention for national reconciliation. Such a congress, representing the traditional clan leadership, could also help to establish the authenticity of the respective delegations to a second phase.

Phase II

In the second phase, a national reconciliation conference would be held in some convenient venue as ratified by the council of traditional leaders, represented by delegations whose authenticity would have been established beyond doubt to discuss and conclude an interim arrangement that would be passed by the council of traditional leaders in a third phase.

Phase III

The third phase would involve a second round of the congress of traditional leaders (a) to pass the interim arrangement worked out in the second phase, including the mandate of the interim Government to be formed later; and (b) to enact a decree that confers powers on an appointed interim head of State.

In conclusion, it will require sufficient concern, adequate involvement and unique competence on the part of the international community to resolve the Somali crisis. I am sure that sufficient concern has already been manifested as indicated by the two resolutions already adopted on the question by the Security Council. The time allocated and the scale of resources deployed will determine the degree of involvement envisaged. But, only a full understanding of the complexity of the situation and a full appreciation of its uniqueness can determine the required competence, without which it will continue to elude conventional solutions. Finally, success will depend on the perspective and the process adopted to tackle the issues involved.

Notes

a/ S/23693.

b/ Ibid., para. 75.

c/ A/46/257 and A/46/319.

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LETTER DATED 31 MARCH 1992 FROM THE PERMANENT REPRESENTATIVE OF MOROCCO TO THE UNITED NATIONS ADDRESSED TO THE PRESIDENT OF THE SECURITY COUNCIL

I have the honour to request that the Security Council extend an invitation to H.E. Mr. Ahmet Engin Ansay, Permanent Observer of the Organization of the Islamic Conference to the United Nations, to address the Council under rule 39 of its provisional rules of procedure in the course of the Council's consideration of the item on the Libyan Arab Jamahiriya currently on its agenda.

(Signed) Ahmed SNOUSSI
Ambassador, Permanent Representative

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S/23765
3 April 1992

ORIGINAL: ENGLISH

LETTER DATED 23 MARCH 1992 FROM THE PRESIDENT OF THE GOVERNING COUNCIL OF THE UNITED NATIONS COMPENSATION COMMISSION ADDRESSED TO THE PRESIDENT OF THE SECURITY COUNCIL

I have the honour to transmit herewith, for the attention of the Security Council, the following information on the fifth session of the Governing Council, held from 16 to 20 March 1992.

At its 25th plenary meeting, 20 March 1992, the Governing Council approved the first part of the provisional rules for claims procedure, including the following sections: I. General provisions; II. Submission and filing of claims; and III. Commissioners. The remaining parts of the provisional rules will be discussed by the Governing Council at its next session. The Council decided to approve the rules of procedure as a whole and release them only then. It is expected that this work will be finished in June.

The Council also approved the final text of the "Criteria for additional categories of claims" (S/AC.26/1991/7), article 11 (section II) of which had been under temporary reservation by some members of the Council.

The reservation having been withdrawn, the text in its final form is now contained in document S/AC.26/1991/7/Rev.1 (see annex to the present document).

The Secretariat reported to the Council the progress made in the preparation of claim forms D (Claims by individuals above US$ 100,000); E (Claims by the corporations and other legal entities) and F (Claims by Governments and international organizations). Taking into consideration the comments and suggestions received from delegations, the Secretariat informed the Governing Council that it would distribute the new claim forms among Governments in the weeks to come.

The Council also began discussions on papers submitted by several members on the following matters: "Criteria for the definition of direct loss, damage, or injury as a result of Iraq's unlawful invasion and occupation of Kuwait, when applied to business losses"; Eligibility or otherwise of claims by or in respect of members of the allied coalition forces"; and "Problem of claims arriving during or after the filing period".

Representatives of Kuwait and Iraq were authorized by the Council to address the Council at its 24th plenary meeting, on 16 March 1992.

(Signed) Alex REYN
President
Governing Council
United Nations Compensation Commission

Annex

Decision taken by the Governing Council of the United Nations Compensation Commission during its third session, at the 18th meeting, held on 28 November 1991, as revised at the 24th meeting held on 16 March 1992*

Criteria for additional Categories of Claims

I. Criteria for processing of claims of individuals not otherwise covered

1. The following criteria will govern the submission of all claims of individuals not filed under the criteria adopted by the Governing Council on 2 August 1991, pursuant to resolution 687 (1991).

2. The following criteria are not intended to resolve every issue that may arise with respect to these claims. Rather, they are intended to provide sufficient guidance to enable Governments to prepare consolidated claims submissions.

3. The Commission will process the claims as expeditiously as possible. While decisions on the precise method of processing these claims will be made at a later stage the following steps are contemplated. The Secretariat will make a preliminary assessment of the claims to determine whether they meet the formal requirements established by the Governing Council. The claims would then be submitted to a panel or panels of Commissioners for review within a set time-limit. The Commissioners would be instructed to utilize different procedures appropriate to the character, amount and subject-matter of particular types of claims. In so far as possible, claims with significant common legal or factual issues should be processed together. The Commissioners would be asked to report to the Council on the claims received and the amount recommended for the claims submitted by each Government. The Council would then decide on the total amount to be allocated to each Government. The Council may decide to refer unusually large or complex claims to panels of Commissioners for detailed review, possibly involving additional written submissions and oral proceedings. In such a case, the individual would be allowed to present his or her case directly to the panel.

4. As contributions are made to the Fund, the Council will allocate those funds among the various categories of claims. If resources of the Fund are insufficient with respect to all claims processed to date, pro rata payments would be made to Governments periodically as funds become available. The Council will decide on the priority for payment of various categories of claims.

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* Previously issued under the symbol S/AC.26/1991/7/Rev.1.

5. Claims may be submitted under this category for the loss of earnings or profits; the Commission will consider at a later time the circumstances in which such claims may be admitted, the amounts to be awarded, and the limits to be imposed thereon.

Claims covered

6. These payments are available with respect to any direct loss, damage, or injury (including death) to individuals as a result of Iraq's unlawful invasion and occupation of Kuwait. This will include any loss suffered as a result of:

(a) Military operations or threat of military action by either side during the period 2 August 1990 to 2 March 1991;

(b) Departure from or inability to leave Iraq or Kuwait (or a decision not to return) during that period;

(c) Actions by officials, employees or agents of the Government of Iraq or its controlled entities during that period in connection with the invasion or occupation;

(d) The breakdown of civil order in Kuwait or Iraq during that period; or

(e) Hostage-taking or other illegal detention.

7. These payments are available with respect to individuals who claim losses in excess of those compensable under claim forms B or C. These payments are also available with respect to individuals who have chosen not to file under claim forms A, B, or C because their losses exceed $100,000. In addition, these payments are available to reimburse payments made or relief provided by individuals to others - for example, to employees or to others pursuant to contractual obligations - for losses covered by any of the criteria adopted by the Council.

8. Since these claims may be for substantial amounts, they must be supported by documentary and other appropriate evidence sufficient to demonstrate the circumstances and the amount of the claimed loss.

9. Direct losses as a result of Iraq's unlawful invasion and occupation of Kuwait are eligible for compensation. Compensation will not be provided for losses suffered as a result of the trade embargo and related measures. Further guidance will be provided on the interpretation and application of this paragraph.

10. Any compensation, whether in funds or in kind, already received from any source will be deducted from the total amount of losses suffered.

Submission of claims

11. Claims will not be considered on behalf of Iraqi nationals who do not have bona fide nationality of any other State.

12. Claims will be submitted by Governments. Each Government may submit claims on behalf of its nationals, and may in its discretion also submit the claims of other persons resident in its territory. In addition, the Council may request an appropriate person, authority, or body to submit claims on behalf of persons who are not in a position to have their claims submitted by a Government.

13. Each consolidated claim must include:

(a) For each separate claim, a signed statement by each individual covered containing:

(i) His or her name and address, and any passport number or other identifying national number;

(ii) A description of and documents evidencing the amount, type, and reason for each element of the loss;

(iii) Identification of any compensation, whether in funds or in kind, already received from any source for the claim asserted;

(iv) His or her affirmation that the foregoing information is correct, and that no other claim for the same loss has been submitted to the Commission;

(v) A copy of any previously submitted individual claim; and

(b) The affirmation of the Government submitting the claim that, to the best of the information available to it, the individuals in question are its nationals or residents, and the affirmation of the Government or of the person, authority, or body as referred to in paragraph 12 that it has no reason to believe that the information stated is incorrect.

14. The Executive Secretary (or a Commissioner) will prepare and the Executive Secretary will distribute a standard form for submission of these claims, incorporating the above elements in a clear and concise manner. Except as may otherwise be agreed between the Executive Secretary and the Government in question, claims will be submitted to the Executive Secretary by Governments or by persons, authorities, or bodies as referred to in paragraph 12 on the standard form and must include the information in an official language of the United Nations. Each Government may adopt such procedures as it finds appropriate in preparing its claims. The Executive Secretary (or a Commissioner) will be available to answer questions or provide assistance to any Governments which may request it.

15. Governments must submit all claims on behalf of individuals within one year of the date on which the Executive Secretary circulates these claims forms. The Council encourages the submission of such claims within six months from the date on which the Executive Secretary circulates to Governments the claims forms; and the Commission will thereupon give consideration to such claims as provided herein.

II. Criteria for processing claims of corporations and other entities

16. The following criteria will govern the submission of claims of corporations, other private legal entities and public-sector enterprises (hereinafter referred to as "corporations and other entities") pursuant to resolution 687 (1991).

17. The following criteria are not intended to resolve every issue that may arise with respect to these claims. Rather, they are intended to provide sufficient guidance to enable Governments to prepare consolidated claims submissions.

18. The Commission will process the claims as expeditiously as possible. While decisions on the precise method of processing these claims will be made at a later stage the following steps are contemplated. The Secretariat will make a preliminary assessment of the claims to determine whether they meet the formal requirements established by the Governing Council. The claims would then be submitted to a panel or panels of Commissioners for review within a set time-limit. The Commissioners would be instructed to utilize different procedures appropriate to the character, amount and subject-matter of particular types of claims. In so far as possible, claims with significant common legal or factual issues should be processed together. The Commissioners would be asked to report to the Council on the claims received and the amount recommended for the claims submitted by each Government. The Council would then decide on the total amount to be allocated to each Government. The Council may decide to refer unusually large or complex claims to panels of Commissioners for detailed review, possibly involving additional written submissions and oral proceedings. In such a case, the entity would be allowed to present its case directly to the panel.

19. As contributions are made to the Fund, the Council will allocate those funds among the various categories of claims. If resources of the Fund are insufficient with respect to all claims processed to date, pro rata payments would be made to Governments periodically as funds become available. The Council will decide on the priority for payment of various categories of claims.

20. Claims may be submitted under this category for the loss of earnings or profits; the Commission will consider at a later time the circumstances under which such claims may be admitted, the amounts to be awarded, and the limits to be imposed thereon.

Claims covered

21. These payments are available with respect to any direct loss, damage, or injury to corporations and other entities as a result of Iraq's unlawful invasion and occupation of Kuwait. This will include any loss suffered as a result of:

(a) Military operations or threat of military action by either side during the period 2 August 1990 to 2 March 1991;

(b) Departure of persons from or their inability to leave Iraq or Kuwait (or a decision not to return) during that period;

(c) Actions by officials, employees or agents of the Government of Iraq or its controlled entities during that period in connection with the invasion or occupation;

(d) The breakdown of civil order in Kuwait or Iraq during that period; or

(e) Hostage-taking or other illegal detention.

22. These payments are available to reimburse payments made or relief provided by corporations or other entities to others - for example, to employees, or to others pursuant to contractual obligations - for losses covered by any of the criteria adopted by the Council.

23. Since these claims may be for substantial amounts, they must be supported by documentary and other appropriate evidence sufficient to demonstrate the circumstances and the amount of the claimed loss.

24. Direct losses as a result of Iraq's unlawful invasion and occupation of Kuwait are eligible for compensation. Compensation will not be provided for losses suffered as a result of the trade embargo and related measures. Further guidance will be provided on the interpretation and application of this paragraph.

25. Any compensation, whether in funds or in kind, already received from any source will be deducted from the total amount of losses suffered.

Submission of claims

26. Each Government may submit claims on behalf of corporations or other entities that, on the date on which the claim arose, were incorporated or organized under its law. Claims may be submitted on behalf of a corporation or other entity by only one Government. A corporation or other entity would be required to request the State of its incorporation or organization to submit its claim to the Commission. In the case of a corporation or other private legal entity whose State of incorporation or organization fails to submit, within the deadline established in paragraph 29, such claims falling

within the applicable criteria, the corporation or other private legal entity may itself make a claim to the Commission within three months thereafter. It must submit at the same time an explanation as to why its claim is not being submitted by a Government, together with the relevant information specified in paragraph 27. In such a case, any award of the Commission will be paid directly to the corporation or other private legal entity.

27. Each consolidated claim must include:

(a) For each separate claim, a signed statement by an authorized official of each corporation or other entity covered containing:

(i) Documents evidencing the name, address and place of incorporation or organization of the entity;

(ii) A general description of the legal structure of the entity;

(iii) A description of and documents evidencing the amount, type, and reason for each element of the loss;

(iv) Identification of any compensation, whether in funds or in kind, already received from any source for the claim asserted;

(v) His or her name and address and affirmation that the foregoing information is correct, and that no other claim for the same loss has been submitted to the Commission;

(b) The affirmation of the Government submitting the claim that, to the best of the information available to it, the entities in question are incorporated or organized under its law and the affirmation of the Government that it has no reason to believe that the information stated is incorrect.

28. The Executive Secretary (or a Commissioner) will prepare and the Executive Secretary will distribute a standard form for submission of these claims, incorporating the above elements in a clear and concise manner. Except as may otherwise be agreed between the Executive Secretary and the Government in question, claims will be submitted to the Executive Secretary by Governments on the standard form and must include the information in an official language of the United Nations. Each Government may adopt such procedures as it finds appropriate in preparing its claims. The Executive Secretary (or a Commissioner) will be available to answer questions or provide assistance to any Governments which may request it.

29. Governments must submit all claims on behalf of corporations or other entities within one year of the date the Executive Secretary circulates the claims forms. The Council encourages the submission of such claims within six months from the date on which the Executive Secretary circulates to Governments the claims forms; and the Commission will thereupon give consideration to such claims as provided herein.

III. Criteria for processing claims of Governments and international organizations

30. The following criteria will govern the submission of claims of Governments and international organizations pursuant to resolution 687 (1991). Each Government will submit claims of its own and those of its political subdivisions, or any agency, ministry, instrumentality, or entity controlled by it.

31. The following criteria are not intended to resolve every issue that may arise with respect to these claims. Rather, they are intended to provide sufficient guidance to enable Governments and international organizations to prepare consolidated claims submissions.

32. The Commission will process the claims as expeditiously as possible. While decisions on the precise method of processing these claims will be made at a later stage the following steps are contemplated. The Secretariat will make a preliminary assessment of the claims to determine whether they meet the formal requirements established by the Governing Council. The claims would then be submitted to a panel or panels of Commissioners for review within a set time-limit. The Commissioners would be instructed to utilize different procedures appropriate to the character, amount and subject-matter of particular types of claims. In so far as possible, claims with significant common legal or factual issues should be processed together. The Commissioners would be asked to report to the Council on the claims received and the amount recommended for the claims submitted by each Government. The Council would then decide on the total amount to be allocated to each Government. The Council may decide to refer unusually large or complex claims to panels of Commissioners for detailed review, possibly involving additional written submissions and oral proceedings. In such a case, when an international organization is involved, it would be allowed to present its case directly to the panel.

33. As contributions are made to the Fund, the Council will allocate those funds among the various categories of claims. If resources of the Fund are insufficient with respect to all claims processed to date, pro rata payments would be made to Governments periodically as funds become available. The Council will decide on the priority for payment of various categories of claims.

Claims covered

34. These payments are available with respect to any direct loss, damage, or injury to Governments or international organizations as a result of Iraq's unlawful invasion and occupation of Kuwait. This will include any loss suffered as a result of:

(a) Military operations or threat of military action by either side during the period 2 August 1990 to 2 March 1991;

(b) Departure of persons from or their inability to leave Iraq or Kuwait (or a decision not to return) during that period;

(c) Actions by officials, employees or agents of the Government of Iraq or its controlled entities during that period in connection with the invasion or occupation;

(d) The breakdown of civil order in Kuwait or Iraq during that period; or

(e) Hostage-taking or other illegal detention.

35. These payments are available with respect to direct environmental damage and the depletion of natural resources as a result of Iraq's unlawful invasion and occupation of Kuwait. This will include losses or expenses resulting from:

(a) Abatement and prevention of environmental damage, including expenses directly relating to fighting oil fires and stemming the flow of oil in coastal and international waters;

(b) Reasonable measures already taken to clean and restore the environment or future measures which can be documented as reasonably necessary to clean and restore the environment;

(c) Reasonable monitoring and assessment of the environmental damage for the purposes of evaluating and abating the harm and restoring the environment;

(d) Reasonable monitoring of public health and performing medical screenings for the purposes of investigation and combating increased health risks as a result of the environmental damage; and

(e) Depletion of or damage to natural resources.

36. These payments will include loss of or damage to property of a Government, as well as losses and costs incurred by a Government in evacuating its nationals from Iraq or Kuwait. These payments are also available to reimburse payments made or relief provided by Governments or international organizations to others - for example to nationals, residents or employees or to others pursuant to contractual obligations - for losses covered by any of the criteria adopted by the Council.

37. Since these claims will be for substantial amounts, they must be supported by documentary and other appropriate evidence sufficient to demonstrate the circumstances and the amount of the claimed loss.

38. Direct losses as a result of Iraq's unlawful invasion and occupation of Kuwait are eligible for compensation. Compensation will not be provided for losses suffered as a result of the trade embargo and related measures. Further guidance will be provided on the interpretation and application of this paragraph.

39. Any compensation, whether in funds or in kind, already received from any source will be deducted from the total amount of losses suffered.

Submission of claims

40. Each consolidated claim must include:

(a) For each separate claim, a signed statement by an authorized official of the Government or international organization containing:

(i) His or her name and address, and government agency instrumentality, or ministry or controlled entity, or the international organization, with which associated;

(ii) A description of and documents evidencing the amount, type, and reason for each element of the loss;

(iii) Identification of any compensation, whether in funds or in kind, already received from any source for the claim asserted;

(iv) His or her affirmation that the foregoing information is correct, and that no other claim for the same loss has been submitted to the Commission;

(b) The affirmation of the Government or international organization submitting the consolidated claim that to the best of the information available to it, it has no reason to believe that the information stated is incorrect.

41. The Executive Secretary (or a Commissioner) will prepare and the Executive Secretary will distribute a standard form for submission of claims, incorporating the above elements in a clear and concise manner. Except as may otherwise be agreed between the Executive Secretary and the Government or international organization in question, claims will be submitted to the Executive Secretary on the standard form and must include the information in an official language of the United Nations. The Executive Secretary (or a Commissioner) will be available to answer questions or provide assistance to any Governments or international organizations which may request it.

42. Governments and international organizations must submit all claims within one year of the date on which the Executive Secretary circulates the standard form. The Council encourages the submission of such claims within six months from the date on which the Executive Secretary circulates to Governments and international organizations the claims forms; and the Commission will thereupon give consideration to such claims as provided herein.

UNITED
NATIONS

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Security Council

Distr.
GENERAL

S/23766
31 March 1992

ORIGINAL: ENGLISH

REPORT OF THE SECRETARY-GENERAL ON THE UNITED NATIONS IRAQ-KUWAIT OBSERVATION MISSION

(for the period 3 October 1991-31 March 1992)

Introduction

1. By paragraph 5 of its resolution 687 (1991) of 3 April 1991, the Security Council established a demilitarized zone (DMZ) along the Iraq-Kuwait border and decided to set up an observer unit with the following tasks: to monitor the Khawr Abd Allah waterway and the DMZ; to deter violations of the boundary through its presence in and surveillance of the DMZ; and to observe any hostile or potentially hostile action mounted from the territory of one State into the other. By its resolution 689 (1991) of 9 April 1991, the Security Council approved my predecessor's report on the implementation of the above provisions; 1/ noted that the decision to set up the observer unit had been taken in paragraph 5 of resolution 687 (1991) and could be terminated only by the Council's decision; and decided to review the question of termination or continuation as well as the modalities of the United Nations Iraq-Kuwait Observation Mission (UNIKOM) every six months. In keeping with the above provisions, the Security Council reviewed UNIKOM's mandate on 7 October 1991 and concurred with my predecessor's recommendation that UNIKOM be maintained for a further six-month period. 2/

2. The purpose of the present report is to provide the Security Council, prior to its review, with an overview of the last six months of UNIKOM's activities.

Organization

3. As of April 1992, the composition of UNIKOM was as follows:

Military observers

Argentina	7	Nigeria	7
Austria	7	Norway	8
Bangladesh	7	Pakistan	9
Canada	1	Poland	7
China	20	Romania	7
Denmark	7	Russian Federation	20
Fiji	8	Senegal	7
Finland	7	Singapore	7
France	20	Sweden	7
Ghana	8	Thailand	7
Greece	7	Turkey	7
Hungary	7	United Kingdom of Great Britain and Northern Ireland	20
India	8	United States of America	20
Indonesia	7	Uruguay	8
Ireland	8	Venezuela	7
Italy	7		
Kenya	8		
Malaysia	8		
Total			300

Administrative and logistic support

Engineers (Canada)	85
Logistics (Denmark)	45
Helicopters (Chile)	50
Medical (Norway)	20
Total	200

The above figures represent authorized strength. The actual strength is subject to minor fluctuations, particularly in connection with rotation. From 18 December 1991, a number of military observers were temporarily detached to Yugoslavia to serve as United Nations military liaison officers. Their number varied, reaching a peak of 50 during the first week of March 1992. At present, 30 military observers are still in Yugoslavia to assist the United Nations Protection Force (UNPROFOR).

4. UNIKOM also includes 196 civilian staff, of whom 102 are international staff and 94 are locally recruited. In addition to the military helicopters contributed by Chile, UNIKOM has the use of two small fixed-wing civilian aircraft contributed by the Government of Switzerland and a chartered aircraft that is used to carry its personnel and equipment between Baghdad and Kuwait.

5. Command of UNIKOM continues to be exercised by Major-General Günther Greindl (Austria), the Chief Military Observer.

6. During the period under review the Canadian engineers cleared and marked an additional 200 kilometres of patrol track, disposed of 4,850 pieces of unexploded ordnance and reconfirmed the safety of previously cleared routes. They also carried out improvements at the headquarters extension known as Camp Khor and built 3 landing strips and 16 concrete helicopter landing pads in the DMZ. They also provided support to the United Nations Iraq-Kuwait Boundary Demarcation Commission by placing 165 preliminary survey markers and 13 survey control points in the DMZ. As planned, the engineers will be further reduced to 50 on 1 April.

7. The Danish logistic unit, which replaced the previous Swedish unit, provided transport, including distribution of logistic supplies, as well as maintenance of heavy-duty vehicles. It also provided security for UNIKOM headquarters and the logistic base at Doha.

8. The Norwegian medical unit was reduced in strength to 20. It provides general medical support, including a sick-bay facility at Umm Qasr and first-aid posts at the central and southern sector headquarters.

9. On 1 November 1991, UNIKOM moved to its permanent headquarters at Umm Qasr in the DMZ. At the same time, the helicopter unit moved to the headquarters extension at Camp Khor, where the northern sector headquarters is also located. The headquarters premises have been refurbished and living conditions for both military personnel and civilian staff working there are now adequate. The provision of air-conditioned prefabricated trailers and other facilities has much improved conditions for the military observers working in the DMZ.

10. Major-General Greindl and his senior staff have held regular meetings with the authorities in Baghdad and Kuwait City. Daily liaison with the authorities is maintained through UNIKOM's liaison offices in the two capitals. In addition, local liaison with the Iraqi authorities is maintained at Umm Qasr. The Governments of Iraq and Kuwait have given the Mission all the support and cooperation necessary for it to carry out its mandate.

11. UNIKOM has maintained contact and provided support to other United Nations missions working in Iraq and Kuwait, in particular to the Boundary Demarcation Commission and to the United Nations Return of Property from Iraq to Kuwait (UNROP).

Demilitarized zone

12. The DMZ is about 200 kilometres long, to which must be added the Khawr Abd Allah waterway, with a length of about 40 kilometres. For the most part, the DMZ is barren and almost uninhabited, except for the towns of Umm Qasr and Safwan. There are airfields at Safwan and Umm Qasr and a port at Umm Qasr.

13. Much of the DMZ is still littered with unexploded ordnance and mines, particularly in the south. Recently the Government of Kuwait contracted with

explosive ordnance disposal companies to clear its side of the DMZ and, in consultation with UNIKOM, the companies concerned have started work.

Deployment and concept of operations

14. For operational purposes, UNIKOM has divided the DMZ into three sectors; each sector has a headquarters and six patrol/observation bases. The UNIKOM deployment is shown on the attached map. UNIKOM has full freedom of movement throughout the DMZ.

15. UNIKOM's concept of operations revolves around a combination of patrol and observation bases, observation points, vehicular and aerial patrols, investigation teams and liaison with the parties at all levels. UNIKOM's observation capability is enhanced by night observation devices and a range of visual magnifying equipment. The deployment of two maritime radar systems in its northern sector at patrol/observation bases N-1 and N-6 has much improved UNIKOM's surveillance of the Khawr Abd Allah waterway. The observation capability of UNIKOM will be further enhanced by the erection of 17 observation towers, which is currently under way.

16. UNIKOM has conducted trials of ground surveillance radars to complement its existing observation capability in the DMZ. Technical trials have taken place in the DMZ on three types of ground surveillance radar at no cost to the United Nations. These trials have not been fully conclusive and General Greindl has therefore recommended further operational trials.

Violations and complaints

17. The situation in the DMZ has been calm. UNIKOM has observed three types of violations in the DMZ: minor incursions on the ground by small groups of soldiers, often just one or two; overflights by military aircraft; and the carrying by policemen of weapons other than sidearms. The overflights were by military aircraft of types used by Kuwait and by the forces of Member States cooperating with Kuwait. In addition, UNIKOM recorded five violations (overflights) by unidentified aircraft. The table below summarizes the violations observed by UNIKOM.

	Iraq				Kuwait/Member States cooperating with Kuwait			
	Ground	Air	Police weapons	Total	Ground	Air	Police weapons	Total
3 Oct-9 Nov	1	0	0	1	11	7	14	32
10 Nov-9 Dec	0	0	0	0	8	10	5	23
10 Dec-9 Jan	0	0	1	1	5	12	5	22
10 Jan-9 Feb	0	0	1	1	1	1	0	2
10 Feb-9 Mar	0	0	1	1	0	2	2	4
10 Mar-31 Mar	0	0	0	0	6	3	8	17
Total	1	0	3	4	31	35	34	100

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All violations were raised in writing with the party concerned, with a view to having action taken to prevent a recurrence.

18. During the reporting period, UNIKOM received 31 written complaints from Iraq and 7 from Kuwait. UNIKOM investigated these complaints and conveyed the results to the parties concerned.

Other matters

19. UNIKOM kept in contact with the Governments of Iraq and Kuwait concerning certain aspects of civilian administration in their respective parts of the DMZ, particularly the maintenance of law and order. Iraq maintained 4 border police centres and 11 border police posts in the DMZ. Five of the police posts remain on the Kuwaiti side of the boundary line shown on the UNIKOM map and two are on the Iraqi side of the boundary but closer than 1,000 metres to it. The Chief Military Observer continued his efforts to have the seven posts pulled back. However, the Iraqi authorities have maintained that the posts must remain until the border between Iraq and Kuwait has been demarcated. Iraq has also deployed harbour police at Umm Qasr port and customs police at Safwan. Kuwait has set up 13 of 20 planned police posts in the DMZ. Both parties have consulted UNIKOM in advance of new police deployments in the DMZ. Separate biweekly meetings with the chiefs of the border police of Iraq and Kuwait were used to resolve minor problems at the local level.

20. During the period under review, UNIKOM observed an increase in the movement of Iraqi civilian ships through the Khawr Abd Allah waterway, in connection with the surveying of maritime channels and the reconstruction of the Al-Bakr oil terminal. Movement of ships is observed from the shore and also by air reconnaissance. Iraq has complied with the requirement to give advance notice of such movements.

21. Activity in the illegal market described in previous reports 3/ has declined. The market remains located astride the boundary line in the southern sector, but the authorities of Iraq and Kuwait have taken effective measures to limit access to it through intensive patrolling, checkpoints and, outside the DMZ, helicopter patrols.

22. During the last six months four incidents took place in UNIKOM's area of operations that gave cause for concern. A brief summary of these incidents follows:

(a) On 10 October 1991, 55 Iraqi fishermen were detained north-east of Failaka Island by the Kuwaiti authorities, which claimed that they were within Kuwaiti territorial waters. This was disputed by the fishermen and by the Iraqi authorities. It has proved impossible for UNIKOM to ascertain the actual location where the fishermen were apprehended. They were eventually returned to Iraq through the International Committee of the Red Cross (ICRC) on 26 October 1991;

(b) On 18 October 1991, Iraq complained that a Kuwaiti patrol entered Iraq near Safwan, wounding a local farmer with rifle fire and forcibly detaining two others, and allegedly firing on an Iraqi police post at Safwan. UNIKOM's investigation concluded that the incident took place on the Kuwaiti side of the DMZ, close to the boundary, in an area where Iraqis had been farming prior to 2 August 1990. UNIKOM could not verify the claim that the Iraqi police post had been fired on;

(c) On 2 November 1991, 12 Iraqi policemen were delivering salary packets, rations and supplies to their police posts Al-Ratqa and Talha, in the central sector of the DMZ. When the policemen finished their task at Al-Ratqa, they drove towards Talha on UNIKOM's Mike Road, which crosses the boundary line in several places. The Iraqis were intercepted by Kuwaiti personnel armed with rifles. The Iraqis were detained for interrogation; Kuwaiti authorities took control of their vehicle, pistols, ammunition and supplies, as well as a sum of Iraqi dinars. The detained Iraqis were repatriated under the supervision of ICRC on 7 December 1991;

(d) On 7 January 1992, two Kuwaiti policemen were apprehended at the Iraqi police post Umm Qasr, which is one of the five on the Kuwaiti side of the boundary line shown on UNIKOM's map. A UNIKOM investigation concluded that the two policemen had lost their way and had approached the Iraqi post by mistake. The two were returned to Kuwait through ICRC on 25 January 1992.

Three of the above incidents occurred near the boundary line. UNIKOM has repeatedly urged both parties to comply with the requirement that they maintain a reasonable distance of about 1,000 metres from the line in order to avoid such incidents.

Financial aspects

23. By its resolution 46/197 of 20 December 1991, the General Assembly authorized the Secretary-General to enter into commitments for the operation of UNIKOM at a rate not to exceed $5,600,000 gross ($5,441,500 net) per month for the six-month period beginning 9 April 1992, subject to the prior concurrence of the Advisory Committee on Administrative and Budgetary Questions, should the Security Council decide to continue the Observation Mission beyond 8 April 1992. Therefore, assuming continuance of the Mission's existing responsibilities, the costs to the United Nations for maintaining UNIKOM during the six-month period through 8 October 1992 will be within the level of commitment authorized by the Assembly in its resolution 46/197.

24. As at 23 March 1992, unpaid assessed contributions to the UNIKOM Special Account for the period since the inception of the Mission on 9 April 1991 up to 8 April 1992 amounted to $18.2 million.

Observations

25. During the past six months, conditions along the border between Iraq and Kuwait have been calm and the DMZ established by the Security Council has been generally respected. The number of violations has been further reduced and those that occurred have been minor.

26. UNIKOM has continued to maintain a high level of vigilance and has performed its tasks effectively. In this it has had the cooperation of both parties. I have no doubt that the presence and activities of UNIKOM in the area are essential for ensuring respect for the DMZ and maintaining calm in the area. Therefore, I recommend to the Security Council that it maintain UNIKOM for a further six-month period.

27. In order to avoid incidents, UNIKOM requires the authorities on both sides to maintain a reasonable distance from the boundary line drawn on UNIKOM's map. The importance of this principle is underlined by the fact that three of the four incidents reported in paragraph 22 above occurred on occasions when it was not observed. It is my hope that both sides will ensure that there is no recurrence.

28. The continued presence of Iraqi police posts on the Kuwaiti side of the line shown on UNIKOM's map remains a matter of concern.

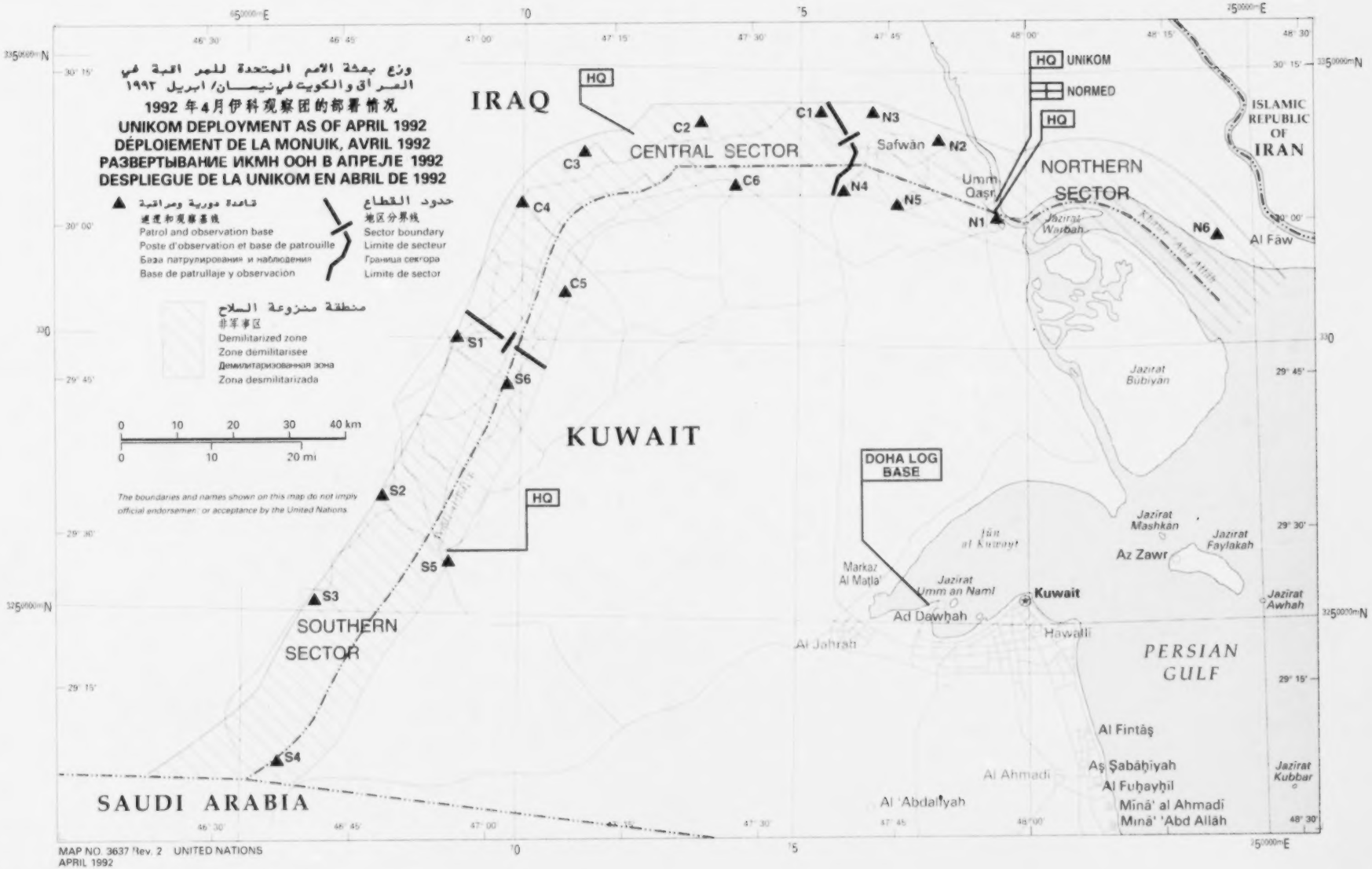
29. Finally, I wish to pay tribute to Major-General Greindl and to all the men and women under his command, both military and civilian, for the skill and dedication with which they have carried out their important task. Their discipline and bearing have been of a high order, reflecting credit on their countries and on the United Nations.

Notes

1/ S/22454 and Add.1-3.

2/ S/23106.

3/ S/23000, para. 11, and S/23106, para. 28.


وزع بعثة الامم المتحدة للمراقبة في العراق والكويت في نيسان/ ابريل ١٩٩٢
1992 年4月伊科观察团的部署情况
UNIKOM DEPLOYMENT AS OF APRIL 1992
DÉPLOIEMENT DE LA MONUIK, AVRIL 1992
РАЗВЕРТЫВАНИЕ ИКМН ООН В АПРЕЛЕ 1992
DESPLIEGUE DE LA UNIKOM EN ABRIL DE 1992
قاعدة دورية ومراقبة
巡逻和观察基地
Patrol and observation base
Poste d'observation et base de patrouille
База патрулирования и наблюдения
Base de patrullaje y observación
حدود القطاع
地区分界线
Sector boundary
Limite de secteur
Граница сектора
Limite de sector
منطقة منزوعة السلاح
非军事区
Demilitarized zone
Zone demilitarisee
Демилитаризованная зона
Zona desmilitarizada
0 10 20 30 40 km
0 10 20 mi
The boundaries and names shown on this map do not imply official endorsement or acceptance by the United Nations.
IRAQ
KUWAIT
SAUDI ARABIA
ISLAMIC REPUBLIC OF IRAN
PERSIAN GULF
HQ
HQ UNIKOM
NORMED
CENTRAL SECTOR
NORTHERN SECTOR
SOUTHERN SECTOR
DOHA LOG BASE
C1
C2
C3
C4
C5
C6
N1
N2
N3
N4
N5
N6
S1
S2
S3
S4
S5
S6
Safwān
Umm Qasr
Al Faw
Jazirat Warbah
Jazirat Bubiyan
Jazirat Mashkan
Jazirat Faylakah
Az Zawr
Kuwait
Markaz Al Maṭlaʻ
Jazirat Umm an Naml
Ad Dawḥah
Hawallī
Jazirat Awhah
Al Jahrah
Al Fintās
Aṣ Ṣabāḥiyah
Al Fuḥayḥil
Al Ahmadi
Mīnāʼ al Ahmadī
Mīnāʼ ʻAbd Allāh
Al ʻAbdalīyah
Jazirat Kubbar
MAP NO. 3637 Rev. 2 UNITED NATIONS
APRIL 1992

UNITED NATIONS

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Security Council

Distr.
GENERAL
S/23767
1 April 1992
ENGLISH
ORIGINAL: ARABIC

LETTER DATED 1 APRIL 1992 FROM THE CHARGE D'AFFAIRES A.I.
OF THE PERMANENT MISSION OF IRAQ TO THE UNITED NATIONS
ADDRESSED TO THE PRESIDENT OF THE SECURITY COUNCIL

On instructions from my Government, I have the honour to transmit to you herewith a letter dated 31 March 1992 from Mr. Ahmad Hussein, Minister for Foreign Affairs of the Republic of Iraq, concerning the so-called issue of Kuwaiti missing persons.

I should be grateful if you would have this letter and its annex circulated as a document of the Security Council.

(Signed) Samir K. K. AL-NIMA
Chargé d'affaires a.i.

92-15141 3336b (E) 010492

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Annex

Letter dated 31 March 1992 from the Minister for Foreign Affairs of Iraq addressed to the President of the Security Council

Further to our letter of 19 March 1992 concerning the so-called issue of Kuwaiti missing persons, I should like to inform you of the following:

1. In accordance with the request of the coalition forces as set forth in their letter of 6 March 1992 addressed to the President of the Security Council and with a view to conducting inquiries and seeking information on missing persons, Iraq, acting in cooperation with the delegation of the International Committee of the Red Cross (ICRC) in Baghdad, published in the Iraqi newspapers Al-Thawah, Al-Jumhuriyah and Al-Iraq for 10, 18 and 25 March 1992 an announcement and lists of the names of 2,101 Kuwaitis and others that the Kuwaiti authorities claim are being detained by it. The ICRC delegation in Baghdad was informed of this step so that it might take the necessary measures to notify ICRC in Geneva and the parties concerned.

2. By its note No. 6597 of 26 March 1992, the ICRC delegation in Baghdad informed us that the Kuwaiti authorities had furnished it with a new list containing 850 names to replace the previous list of 2,101 names published on three occasions in the Iraqi newspapers, on the grounds that the Kuwaiti authorities had reviewed the list and scrutinized the names and had found that they had made mistakes in entering the names and numbers of those they claimed were missing Kuwaitis.

3. Following the publication of the list of 2,101 names indicated in paragraph 1 above, the ICRC delegation in Baghdad informed us, by its note No. 6598 of 26 March 1992, that the fate of 363 of the persons whose names were included in the aforesaid list had become known, as follows:

The names of six persons in the list had been repeated;

Through ICRC, 216 persons had been returned to Kuwait and Saudi Arabia;

In the case of 43 former residents of Kuwait, the delegation submitted applications to Iraq and Kuwait for repatriation to Kuwait;

Nine persons had returned to Kuwait by their own means;

Ten persons had communicated to the ICRC delegation in Baghdad their desire to remain in Iraq;

One Egyptian was in Iraq and was at liberty;

A number of persons had been expelled from Iraq;

Two persons had returned to Kuwait from the Abdali camp on 11 October 1991;

Thirty-two persons had been released from Iraq, had returned to Kuwait and had been registered by the ICRC delegation in Kuwait.

The information given above indicates that the Kuwaiti authorities did not pursue their endeavour to seek missing persons in an earnest and meticulous manner and that they only sought to insinuate and fabricate as many names as possible and the largest numbers possible for purposes of deception and in order to cause offence to Iraq on a basis of enmity and malice. All of this confirms the unsubstantiated character of the allegations made by the authorities in question and corroborates the fact that they have ignored the true state of affairs and introduced fabrications and that the underlying objective of the allegations made has been to damage Iraq's reputation and contrive to have the Security Council maintain the embargo and economic boycott against it and to justify its continuation.

I should be grateful if you would have this letter circulated as a document of the Security Council.

(Signed) Ahmad HUSSEIN
Minister for Foreign Affairs

UNITED
NATIONS

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Security Council

Distr.
GENERAL

S/23768
1 April 1992
ENGLISH
ORIGINAL: ARABIC

LETTER DATED 31 MARCH 1992 FROM THE CHARGE D'AFFAIRES A.I.
OF THE PERMANENT MISSION OF IRAQ TO THE UNITED NATIONS
ADDRESSED TO THE SECRETARY-GENERAL

On instructions from my Government, I should like to inform you of fresh Iranian violations of the provisions of the cease-fire between the two countries in the period 21 to 24 March 1992.

1. At 1325 hours on 21 March 1992, a white Iranian helicopter was seen coming from the Iranian rear and landing at the town of Mehran at coordinates 092654 (map of Zurbatiyah), 2.5 kilometres from the international boundary.

2. At 0900 hours on 24 March 1992 a bulldozer and an excavator were observed inside the area of separation levelling the area opposite the Faruq control post at coordinates 445633 (map of Khanaqin).

3. At 1015 hours on 24 March 1992 four individuals from the Iranian side were seen inside the area of separation building a guard post of sandbags on the first Iranian rampart opposite the Zayd control post at coordinates 902033 (map of Tahiri).

4. At 1430 hours on 24 March 1992, 15 Iranian soldiers, an excavator and two vehicles (a Scania truck and a pick-up truck) were observed inside the area of separation near the Qal'at Lam control post at coordinates 689248 (map of Mandali) strengthening positions along the side roads leading to the international boundary.

5. At 1900 hours on 24 March 1992, the Iranian side set about building a new monitoring post of sandbags on the Mimak slope inside the area of separation at coordinates 844186 (map of Mandali).

I should be grateful if you would have this letter circulated as a document of the Security Council.

(Signed) Samir K. K. AL-NIMA
Chargé d'affaires a.i.

92-15210 3774a (E) 020492 020492 020492

UNITED
NATIONS

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Security Council

Distr.
GENERAL

S/23769
1 April 1992
ENGLISH
ORIGINAL: ARABIC

LETTER DATED 31 MARCH 1992 FROM THE CHARGE D'AFFAIRES A.I.
OF THE PERMANENT MISSION OF IRAQ TO THE UNITED NATIONS
ADDRESSED TO THE SECRETARY-GENERAL

On insructions from my Government, I should like to inform you that United States aircraft persisted in their violations of Iraqi airspace for purposes of observation and provocation during the period 20 to 27 March 1992.

20-21 March 1992

Nineteen sorties, flow by nine two-aircraft formations and one single aircraft at speeds of 600 to 720 kilometres per hour and at altitudes of 3,000 to 6,000 metres, centred over Mosul, Irbil, Dohuk, Amadiyah, Zakho and Sinjar. At 1216 hours on the same day, two Jaguar aircraft approached the runway at Firnas airfield at a speed of 500 kilometres per hour and at an altitude of five metres.

22-23 March 1992

Thirteen sorties, flown by five two-aircraft formations and three single aircraft at speeds of 600 to 900 kilometres per hour and at altitudes of 2,000 to 6,000 metres, centred over Mosul, Irbil, Ayn Zalah, Dohuk, Zakho and Amadiyah.

23-24 March 1992

Eleven sorties, flown by five two-aircraft formations and one single aircraft at speeds of 600 to 720 kilometres per hour and at altitudes of 6,000 to 7,000 metres, centred over Mosul, Irbil, Amadiyah and Tall Afar.

24-25 March 1992

Twenty-two sorties, flown by 11 two-aircraft formations at speeds of 600 to 900 kilometres per hour and at altitudes of 3,000 to 7,000 metres, centred over Mosul, Irbil, Dohuk, Tall Afar, Amadiyah, Dukan, Zakho and Rawanduz. On the same day, a formation of two United States aircraft penetrated south of the 36th parallel at a speed of 720 kilometres per hour and at an altitude of 4,000 metres to a depth of 9 kilometres north of the Qiyarah area.

25-26 March 1992

Twenty-one sorties, flown by 10 two-aircraft formations and one single aircraft at speeds of 600 to 900 kilometres per hour and at altitudes of 3,000 to 6,500 metres, centred over Mosul, Irbil, Dohuk, Amadiyah, Rawanduz and Tall Afar.

26-27 March 1992

Twenty-one sorties, flown by 10 two-aircraft formations and one single aircraft at speeds of 600 to 750 kilometres per hour and at altitudes of 4,000 to 7,000 metres, centred over Mosul, Irbil, Rawanduz, Dohuk, Amadiyah and Tall Afar.

I should be grateful if you would have this letter circulated as a document of the Security Council.

(Signed) Samir K. K. AL-NIMA
Chargé d'affaires a.i.

UNITED NATIONS

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General Assembly Security Council

Distr.
GENERAL

A/47/139
S/23770
1 April 1992

ORIGINAL: ENGLISH

GENERAL ASSEMBLY
Forty-seventh session
Items 30, 35 and 74 of the preliminary list*
QUESTION OF PALESTINE
THE SITUATION IN THE MIDDLE EAST
REPORT OF THE SPECIAL COMMITTEE TO INVESTIGATE ISRAELI PRACTICES AFFECTING THE HUMAN RIGHTS OF THE PALESTINIAN PEOPLE AND OTHER ARABS OF THE OCCUPIED TERRITORIES

SECURITY COUNCIL
Forty-seventh year

Letter dated 1 April 1992 from the Chargé d'affaires a.i. of the Permanent Observer Mission of Palestine to the United Nations addressed to the Secretary-General

I am instructed by the Executive Committee of the Palestine Liberation Organization, which has the powers and responsibilities of the Provisional Government of Palestine, to bring the following to your immediate attention:

Today, and just about Ramadan Eftar, Israeli occupying forces opened fire deliberately against our Palestinian people in the Shaborah neighbourhood of Rafah, occupied Palestine. The initial information available is that at least 4 Palestinians have been murdered and more than 50 have been injured, many of them seriously. This heinous massacre is a qualitative escalation of killing Palestinians by special Israeli undercover army units and other security forces in what amounts to summary execution. Since 9 December 1991, 18 additional Palestinians have been killed in this manner. This latest crime committed by Israel, the occupying Power, is adding fuel to an extremely explosive and dangerous situation in occupied Palestine.

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* A/47/50.

We reiterate that this massacre, as well as all illegal Israeli measures against the Palestinian people in the occupied Palestinian territory, including Jerusalem, are violations of the Fourth Geneva Convention of 1949 and relevant United Nations resolutions, especially Security Council resolutions. The security and safety of our Palestinian people living under Israeli occupation are in a great deal of danger.

We call upon the Secretary-General of the United Nations to use his good offices and the mandate given to him under the Charter of the United Nations and Security Council resolutions to ensure the security and safety of our people under occupation.

We also call upon the Security Council of the United Nations to act upon its powers to implement its relevant resolutions and take all the necessary measures to force Israel, the occupying Power, to stop its crimes against our people immediately. It is high time for the Security Council to assume its responsibilities in providing the needed international protection for our people until the termination of Israeli occupation.

I should be grateful if you would arrange to have the text of this letter circulated as an official document of the General Assembly, under items 30, 35 and 74 of the preliminary list, and of the Security Council.

(Signed) Dr. Riyad MANSOUR
Deputy Permanent Observer of
Palestine to the United Nations
Chargé d'affaires a.i.

UNITED
NATIONS

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Security Council

Distr.
GENERAL

S/23771
2 April 1992

ORIGINAL: ENGLISH

LETTER DATED 2 APRIL 1992 FROM THE PERMANENT REPRESENTATIVE OF VENEZUELA TO THE UNITED NATIONS ADDRESSED TO THE PRESIDENT OF THE SECURITY COUNCIL

Under rule 3 of the provisional rules of procedure of the Security Council, I wish to request an urgent meeting of the Security Council to bring to its attention the violation to the diplomatic mission of Venezuela to Tripoli, Libya, on 2 April 1992.

Such incident, in direct violation of international law, is viewed with extreme concern by the Government of Venezuela, not only as regards the non-observance by Libya of the basic duties of all host States to provide appropriate security and protection to diplomatic missions in their territories, but also as a hostile act directly related to action taken on Libya by the Security Council in resolution 748 (1992).

(Signed) Diego ARRIA
Permanent Representative

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UNITED
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Security Council

Distr.
GENERAL

S/23772
2 April 1992

ORIGINAL: ENGLISH

NOTE BY THE PRESIDENT OF THE SECURITY COUNCIL

Following consultations among members of the Security Council, the President of the Council made the following statement, on behalf of the Council, at its 3064th meeting, on 2 April 1992, in connection with the Council's consideration of the item entitled "Letter dated 2 April 1992 from the Permanent Representative of Venezuela to the United Nations addressed to the President of the Security Council":

"The Security Council strongly condemns the violent attacks on and destruction of the premises of the Embassy of Venezuela in Tripoli that took place today. The fact that these intolerable and extremely grave events have been directed not only against the Government of Venezuela but also against and in reaction to Security Council resolution 748 (1992) underlines the seriousness of the situation.

"The Council demands that the Government of the Libyan Arab Jamahiriya take all necessary measures to honour its international legal obligations to ensure the security of the personnel and to protect the property of the Embassy of Venezuela and of all other diplomatic and consular premises or personnel present in the Libyan Arab Jamahiriya, including those of the United Nations and related organizations, from acts of violence and terrorism.

"The Council further demands that the Libyan Arab Jamahiriya pay to the Government of Venezuela immediate and full compensation for the damage caused.

"Any suggestion that those acts of violence were not directed against the Government of Venezuela but against and in reaction to resolution 748 (1992) is extremely serious and totally unacceptable."

UNITED
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Security Council

Distr.
GENERAL

S/23773
2 April 1992

ORIGINAL: ENGLISH

LETTER DATED 31 MARCH 1992 FROM THE SECRETARY-GENERAL ADDRESSED TO THE PRESIDENT OF THE SECURITY COUNCIL

I have the honour to refer to Security Council resolution 745 (1992) of 28 February 1992, by which the Council decided to establish a United Nations Transitional Authority in Cambodia (UNTAC).

Having completed the necessary consultations, I propose that the military elements of UNTAC be composed of contingents from the following States, all of whom have expressed their readiness in principle to make the necessary personnel available: Algeria, Argentina, Australia, Austria, Bangladesh, Bulgaria, Cameroon, Canada, Chile, China, France, Ghana, India, Indonesia, Ireland, Italy, Malaysia, Netherlands, New Zealand, Pakistan, Philippines, Poland, Russian Federation, Senegal, Thailand, Tunisia, and Uruguay. Of these States, all except Bulgaria, Cameroon, Chile, Italy and Philippines have already contributed military personnel to UNAMIC.

I am awaiting a reply from certain other States which have been informally approached and will revert to the Security Council when I have an indication of whether they are also ready in principle to contribute military personnel to this mission.

I should be grateful if you would bring these matters to the attention of the members of the Security Council.

(Signed) Boutros BOUTROS-GHALI

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UNITED
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Security Council

Distr.
GENERAL

S/23774
2 April 1992

ORIGINAL: ENGLISH

LETTER DATED 2 APRIL 1992 FROM THE SECRETARY-GENERAL
ADDRESSED TO THE PRESIDENT OF THE SECURITY COUNCIL

Further to the letter which I addressed to your predecessor on 31 March 1992 concerning the composition of the military component of UNTAC, I have been informed by the Permanent Representative of the United Kingdom of Great Britain and Northern Ireland to the United Nations that his country's military personnel who have been serving in UNAMIC will be available to serve in UNTAC. A decision on the possible contribution of additional military personnel to UNTAC by the United Kingdom has not yet been taken.

I should be grateful if you would bring this matter to the attention of the members of the Security Council.

(Signed) Boutros BOUTROS-GHALI

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UNITED
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Security Council

Distr.
GENERAL

S/23775
2 April 1992

ORIGINAL: ENGLISH

LETTER DATED 2 APRIL 1992 FROM THE PRESIDENT OF THE SECURITY COUNCIL ADDRESSED TO THE SECRETARY-GENERAL

I have the honour to inform you that your letters dated 31 March (S/23773) and 2 April 1992 (S/23774) concerning the composition of the military elements of the United Nations Transitional Authority in Cambodia (UNTAC) have been brought to the attention of the members of the Council. They agree to what you have proposed.

(Signed) Simbarashe Simbanenduku MUMBENGEGWI
President of the Security Council

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UNITED
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Security Council

Distr.
GENERAL

S/23776
2 April 1992
ENGLISH
ORIGINAL: ENGLISH/SPANISH

LETTER DATED 2 APRIL 1992 FROM THE PERMANENT REPRESENTATIVE OF VENEZUELA TO THE UNITED NATIONS ADDRESSED TO THE PRESIDENT OF THE SECURITY COUNCIL

I have the honour to transmit to Your Excellency the text in Spanish of the Declaration of the Government of Venezuela, in regard to the violation to the diplomatic mission of Venzuela in Tripoli, on 2 April 1992.

I would greatly appreciate if Your Excellency distributed the text of the present letter and its annex as a document of the Security Council.

(Signed) Diego ARRIA
Ambassador of Venezuela
Permanent Representative to the
United Nations

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Annex

[Original: Spanish]

The Ministry of Foreign Affairs hereby informs public opinion that today, at 10.30 a.m. Libyan time, the administrative headquarters of the Venezuelan Embassy in Tripoli was attacked.

A mob consisting of students who had arrived in two buses and people from the street broke into the Embassy shouting slogans against Venezuela because of the latter's vote in the Security Council in favour of the anti-terrorist resolution on 31 March 1992. The mob then began to ransack and destroy the premises of our diplomatic representation. Neither the four Libyan guards assigned to protect the Embassy nor anyone from the police force of the city of Tripoli intervened to stop the looting and arson of the diplomatic premises, which were carried out with total impunity.

The members of the Venezuelan diplomatic staff, with whom this Ministry remains in contact through various channels, suffered no physical injury to speak of.

On the same date, the Ministry of Foreign Affairs delivered an official note to the representative of the Libyan Government in Venezuela to protest about the violation of the standards of protection for diplomatic premises which are laid down in the relevant international agreements, and to demand assurances guaranteeing the physical integrity of the Venezuelan diplomats accredited to Libya and the inviolability of the Venezuelan Embassy residence, together with an adequate official explanation of the incident in question within 48 hours.

Caracas, 2 April 1992